

No.: Y19-143INS

Title: Foreign Ownership, Control or Influence and Contract Registration Instruction

Rev. Date: 10/09/2001

To provide BWXT Y-12, L.L.C. (BWXT Y-12) and the Department of Energy (DOE) client with an effective process which establishes necessary relationships and responsibilities regarding the processing of FOCI determinations and contract registrations. In doing so, BWXT Y-12 will play a critical role in preventing a foreign interest from compromising security interests that have been entrusted to BWXT Y-12 by the DOE.

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10/9/01
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Date

Re-Affirm Date

K. E. Grissom /s/ 10/9/01
Signature & Date

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REVISION LOG
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Revision Date	Description of Change	Pages Affected
10/09/2001	DM/R Number 01-SSO-022 Intent change to incorporate new DOE requirement Blue Sheet changes incorporated.	7 - 10, 12, 14, and 21 All
11/01/2000	Instruction adopted for use with noted changes by BWXT Y-12 Blue Sheet.	All
06/01/2000	DM/R 99-PSO-105 To Provide Lockheed Martin Energy Systems, Inc. (LMES) and the Department Of Energy (DOE) with an effective process that establishes necessary relationships and responsibilities regarding the processing of FOCI determinations and Contract/Agreements Registrations. In doing so, LMES will play a critical role in preventing a foreign interest from compromising security interests that has been entrusted to LMES by the DOE.	All

Subject: Foreign Ownership, Control or Influence and Contract Registration Instruction**PURPOSE**

To provide BWXT Y-12, L.L.C. (BWXT Y-12) and the Department of Energy (DOE) client with an effective process which establishes necessary relationships and responsibilities regarding the processing of FOCI determinations and contract registrations. In doing so, BWXT Y-12 will play a critical role in preventing a foreign interest from compromising security interests that have been entrusted to BWXT Y-12 by the DOE.

APPLIES TO

All BWXT Y-12 organizations who request and/or process requests for obtaining goods or services from sources external to BWXT Y-12. This includes non-employee personnel, representing those external sources, requiring either access to classified information or material, unescorted access to site/plant designated security areas, or access to significant quantities of special nuclear material (SNM).

Requests, subcontracts, or other arrangements for goods and services that involve a one-person operation (technical experts, or individual consultants, *unless they are incorporated*) are not subject to FOCI requirements and, therefore, do not fall under the scope of this Instruction.

The following are representative of the scope of this Instruction:

- Cooperative Research and Development Agreements (CRADAs)
- Construction Subcontracts
- Legal Department Letters of Retention of Counsel (LOROC)
- Support Services Subcontracts
- Technical Support Subcontracts
- Transportation Tenders
- Work for Others Program

Any deviation to the requirements outlined in this Instruction must be submitted in writing to the Director of the Safeguards and Security/Counterintelligence Organization, who must approve the deviation.

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**OTHER
DOCUMENTS
NEEDED**

- UCN-20490, *FOCI Processing Review Form*
- UCN-20489, *FOCI Justification Form*
- DOE F 5634.2, *Contract Security Classification Specification*
- UCN-20856, *Nonpossessing Security Plan*
- UCN-20855, *Security Activity Closeout Certification*
- Y19-131, *Safeguards and Security Awareness Program*
- Y19-136, *Access of Uncleared Personnel to Limited (Security) Areas for More Than Ten Days*
- Y19-138, *Security Clearance Processing*
- Y19-201INS, *Security Instructions for WFO Program*
- Y19-203INS, *Manual for the Protection and Control of Classified Matter and Other Protected Information*
- Y19-401INS, *AIS Security Handbook*

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WHAT TO DO: **A. FOCI Determination and Contract Registration Instruction for Procurements Processed by the Acquisition & Asset Management Organization**

NOTE 1: BWXT Y-12 **must** obtain a favorable FOCI determination from the DOE prior to awarding a FOCI applicable subcontract.

NOTE 2: The term “subcontract” is used as a generic reference in this section to refer to subcontracts, WFO Projects, CRADAs, LOROCs, and Transportation Tenders collectively.

In those cases where a subcontract is awarded and the subcontractor does not possess its own off-site DOE security interest or the DOE approved security area, but the subcontractor’s work will require access authorizations and will be conducted in a designated security area within the DOE facilities, the Nonpossessing Security Plan may be used in lieu of a security plan.

Any documentation generated from the activities of this Instruction must be reviewed for classification or other protected information prior to dissemination. Any matter determined to be classified or containing other protected information must meet the requirements contained in the *Manual for the Protection and Control of Classified Matter and Other Protected Information* (Y19-203INS).

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A. FOCI Determination and Contract Registration Instruction for Procurements Processed by the Acquisition & Asset Management Organization (cont.)

NOTE 3: Differentiation must be made between the Nonpossessing Security Plan and the Project Security Plan. The Project Security Plan is required to deny access to classified information or significant quantities of SNM to an uncleared subcontractor working on an unclassified project in a site/plant designated security area.

Buyers and POCs, identified in these Instructions, forward the Nonpossessing Security Plan to the subcontractor to complete and return to the Buyer or POC. Buyers and POCs forward the completed copy of the Nonpossessing Security Plan to the FOCI/CSCS Coordinator. *If the company already has a Nonpossessing Security Plan on file at the DOE-ORO, then a new one is not required unless their Facility Security Officer has changed.* The FOCI/CSCS Coordinator will notify the Buyer or POC if a new Nonpossessing Security Plan is needed.

Buyer

1. Initiate the FOCI determination process by evaluating each procurement request to determine FOCI applicability.
2. **IF** any procurement request calls for the subcontractor employees to have access to classified information or material, unescorted access to site/plant designated security areas, or access to significant quantities of SNM, **THEN**
brief requisitioning personnel on FOCI processing requirements, to determine the feasibility of having Seller perform the work under cleared escort(s), thereby mitigating the need to process for a FOCI determination.
3. Complete Part 1 of the UCN-20490, *FOCI Processing Review Form*, and forward to the FOCI/CSCS Coordinator.

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A. FOCI Determination and Contract Registration Instruction for Procurements Processed by the Acquisition & Asset Management Organization (cont.)

**FOCI/CSCS
Coordinator**

4. Evaluate the information provided by the Buyer in Part I of the UCN-20490, *FOCI Processing Review Form*.
 - a. Complete Part II of the UCN-20490 and return to the Buyer.
5. **IF** a FOCI determination is required, **THEN** complete a UCN-20489, *FOCI Justification Form*, and forward the form to the Buyer.

Buyer

6. **IF** UCN-20489, *FOCI Justification Form*, indicates that a FOCI determination is required, **THEN** forward the FOCI Package (includes the Certificate Pertaining to Foreign Interest [SF328] and supporting documentation) to potential Offerors.
7. **WHEN** completed FOCI Package (SF 328 and other supporting documentation) is received from offerors, **THEN** conduct a review of the questionnaire and forms for accuracy and completeness.
8. **IF** the FOCI Package is deemed complete, **THEN** forward with completed DOE F 5634.2, *Contract Security Classification Specification*, UCN-20856, *Nonpossessing Security Plan*, and UCN-20489, *FOCI Justification*, to the FOCI/CSCS Coordinator to submit to the DOE-ORO Office Of Safeguards and Security for processing.

NOTE: The DOE-ORO FOCI Management Team will no longer accept "initial" FOCI requests without a completed CSCS form and Nonpossessing Security Plan.

9. **IF** the UCN-20489, *FOCI Justification Form*, indicates that a Security Plan is required, **THEN** notify the subcontractor to prepare this plan and coordinate the plan's review by a Physical Security Representative.

Subject: Foreign Ownership, Control or Influence and Contract Registration Instruction**A. FOCI Determination and Contract Registration Instruction for Procurements Processed by the Acquisition & Asset Management Organization (cont.)**

NOTE: Before any work is performed at an Off-Site facility, the facility must have the DOE approved Security Plan.

Buyer

10. **IF** the UCN-20489, *FOCI Justification Form*, indicates that a Nonpossessing Security Plan is required, **THEN** notify the subcontractor to complete UCN-20856, *Nonpossessing Security Plan*, and forward copy to the FOCI/CSCS Coordinator.

FOCI/CSCS Coordinator

11. Verify through the DOE Safeguards and Security Information Management System (SSIMS) that the vendor has a favorable FOCI determination and that their FOCI Certificate Pertaining to Foreign Interest (SF 328) is within 5 years.
12. Notify the Buyer and the DOE FOCI Management Team, (in writing) of FOCI verifications conducted through SSIMS.
13. **IF** the FOCI verification cannot be made in SSIMS, **THEN** notify the DOE-ORO FOCI Management Team to confirm verification and notify the Buyer to forward the FOCI package to the offeror, so that an initial FOCI determination can be made.

NOTE: If the company has a DOD Facility Clearance, include the Contractor and Government Entity (Cage Code) and the DOD Facility Clearance level. (The DOE-ORO FOCI Management Team will determine if a new FOCI package should be submitted).

Procurement Request Originator

14. Initiate the DOE SF 5634.2, *Contract Security Classification Specification* (CSCS) form to register the contract vehicle (Possessing or Nonpossessing).
15. Submit the CSCS form to the Procurement buyer for signature and date.

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A. FOCI Determination and Contract Registration Instruction for Procurements Processed by the Acquisition & Asset Management Organization (cont.)

Buyer

16. Review the CSCS form for accuracy and completeness.
- a. Sign, date and return to appropriate contact.

NOTE: By signing on line 17 of the CSCS form, the buyer is verifying that all of the required DEAR clauses are included in the contract vehicle.

Procurement Request Originator

17. **IF** indicated on the CSCS form that the contractor will be generating classified information/matter, **THEN** forward the CSCS form to the Site Classification Office for Classification Guidance and signature.

Site Classification Office

18. Review the CSCS form for accuracy and completeness.
- a. Include Classification Guidance, sign, date and forward to the FOCI/CSCS Coordinator.

NOTE: ALL Y-12 work performed at Off-Site Facilities which possess classified information, will be coordinated through the Physical Protection Department Representative.

19. **IF** the CSCS form indicates that the work will be performed at one of the DOE approved Off-site (Possessing) facilities, **THEN** forward the signed CSCS form to the Physical Protection Department Representative (PPDR).

PPDR

20. Review and submit the completed CSCS form to the DOE-ORO Office of Safeguards and Security to register the *Possessing* contract vehicle.

FOCI/CSCS Coordinator

21. Review and submit the completed CSCS form to the DOE-ORO Office of Safeguards and Security to register the *Nonpossessing* contract vehicle.

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B. FOCI Determination and Contract Registration Process for Work for Others (WFO) Projects

WFO POC

1. Process Classified WFO Projects in accordance with Y19-201INS, *Security Instruction for WFO Program*.

C. FOCI Determination and Contract Registration Process for Cooperative Research and Development Agreements (CRADAs), Legal Department "Letters of Retention of Counsel" (LOROC), and Transportation Tenders

POC

1. Initiate the FOCI determination process by consulting with the FOCI/CSCS Coordinator when CRADAs, LOROCs, or Transportation Tenders meet the FOCI criteria. (*Refer to Applies To section on page 4 of this Instruction*).

FOCI/CSCS Coordinator

2. **IF** a FOCI determination is required, **THEN** complete a UCN-20489, *FOCI Justification Form*, and forward to the designated POC.

POC

3. Ensure that any security measures indicated by the FOCI/CSCS Coordinator in Part II, Item 2, of the UCN-20489, *FOCI Justification Form*, are completed.
4. **IF** a Security Plan is indicated, **THEN** notify the subcontractor to prepare this plan and coordinate the plan's review by a Physical Security Representative.
5. **IF** a Nonpossessing Security Plan is indicated, **THEN** forward the form to the subcontractor to complete this action.

NOTE: BWXT Y-12 MUST obtain a favorable FOCI determination from the DOE prior to awarding a FOCI applicable CRADA, LOROC, or Transportation Tender and the contract vehicle number must be registered on the DOE F 5634.2.

Buyer

6. Forward FOCI Package to all prospective offerors/bidders or the selected subcontractor(s).

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C. FOCI Determination and Contract Registration Process for Cooperative Research and Development Agreements (CRADAs), Legal Department "Letters of Retention of Counsel" (LOROC), and Transportation Tenders (cont.)

NOTE: The FOCI Package can be obtained at the following DOE Web Site:

<http://www.oakridge.doe.gov/ssd/FOCI/foci.htm>

Buyer

7. **WHEN** the completed FOCI Package is received from potential offerors/bidders or subcontractors, **THEN**
conduct a review for accuracy and completeness.
8. **IF** the FOCI Package is deemed incomplete, **THEN**
request missing or additional information from the offeror/bidder or subcontractor.
9. **IF** FOCI Package is deemed complete, **THEN**
forward along with the UCN-20489, *FOCI Justification Form* and the Nonpossessing Security Plan to the FOCI/CSCS Coordinator.

NOTE: The DOE-ORO FOCI Management Team will no longer accept "initial" FOCI requests without a completed CSCS form and Nonpossessing Security Plan.

**FOCI/CSCS
Coordinator**

10. **IF** the vendor already has a favorable FOCI determination, **THEN**
verify through the DOE SSIMS that the vendors FOCI Certificate Pertaining To Foreign Interest (SF 328) is within 5 years.
11. Notify POC and the DOE-ORO FOCI Management Team (in writing) of FOCI verifications conducted through SSIMS. If the company has a DOD Facility Clearance, include Cage Code and DOD Facility Clearance Level.

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C. FOCI Determination and Contract Registration Process for Cooperative Research and Development Agreements (CRADAs), Legal Department "Letters of Retention of Counsel" (LOROC), and Transportation Tenders (cont.)

POC

12. **WHEN** a FOCI determination cannot be identified in the SSIMS system, **OR** the vendor's Certificate Pertaining To Foreign Interest (SF 328) is over 5 years old, **THEN** direct the vendor to complete the FOCI Package and forward to the CRADA POC.
13. Initiate the CSCS form and submit to appropriate contacts for signatures to register the contract vehicle.

NOTE: ALL Y-12 work performed at Off-Site (Possessing) Facilities which possess classified, will be coordinated through the Physical Protection Department Representative.

14. **IF** the work is to be performed at one of the DOE's facilities, (Y-12, ETTP, X-10, etc.), and the subcontractor only requires unescorted access to a security area and **no** classified information/matter will be generated, **THEN** forward the CSCS form to the FOCI/CSCS Coordinator.
15. **IF** indicated on the CSCS form that the subcontractor will be generating classified information/matter, **THEN** forward the CSCS form to the Site Classification Office for Classification Guidance and signature.

Site Classification Office

16. Review the CSCS form, include Classification Guidance, sign, and date.
- a. Forward all (Nonpossessing) CSCS forms to the FOCI/CSCS Coordinator.

FOCI/CSCS Coordinator

17. Review CSCS form for accuracy and completeness and forward to the DOE-ORO Office of Safeguards and Security to register the (Nonpossessing) contract vehicle.

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C. FOCI Determination and Contract Registration Process for Cooperative Research and Development Agreements (CRADAs), Legal Department "Letters of Retention of Counsel" (LOROC), and Transportation Tenders (cont.)

**Site Classification
Office**

18. **IF** the CSCS form indicates that the work will be performed at one of the DOE approved Off-Site (Possessing) Facilities,
THEN
forward the CSCS form to the PPDR.

PPDR

19. Review CSCS form for accuracy and completeness and forward to DOE-ORO Office of Safeguards and Security to register the (Possessing) contract vehicle.

D. Reporting Changes in Status and Completion or Termination of FOCI Applicable Subcontracts, CRADAs, Legal Department LOROCs, and Transportation Tenders

NOTE 1: The term "subcontract" is used as a generic reference in this section to refer to subcontracts, WFO Projects, CRADAs, LOROCs, and Transportation Tenders collectively.

NOTE 2: Reportable changes include any change in the extent and nature of FOCI over the subcontractor which would affect the answers to the questions presented in DEAR 952.204-74, (e.g. changes in ownership, company structure, Facility Security Officer and/or executive personnel).

NOTE 3: Failure of the subcontractor to notify their Lead Responsible Office (LRO) of reportable changes mentioned in Note 2 could result in Facility Clearance Suspension by the DOE.

NOTE 4: The FOCI/CSCS Coordinator and the Physical Protection Department Representative shall correspond verbally (and follow up in writing), changes in the Facility's Importance Rating.

Buyers

1. Notify (verbally and follow up in writing) the DOE-ORO FOCI Management Team and the FOCI/CSCS Coordinator of any status changes of a FOCI applicable subcontract.

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D. Reporting Changes in Status and Completion or Termination of FOCI Applicable Subcontracts, CRADAs, Legal Department LOROCs, and Transportation Tenders (cont.)

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| Procurement Request Originators | <p>2. IF any changes occur to the existing FOCI Applicable subcontract, (extension dates, etc.), THEN
submit a CSCS form (check CHANGE) to the FOCI/CSCS Coordinator or (if applicable, the PPDR).</p> <p>3. IF the subcontract expires, THEN
submit a CSCS form (check TERMINATE) and the Security Activity Closeout Certification to the FOCI/CSCS Coordinator or (if applicable, the PPDR).</p> |
| Transportation POC | <p>4. Notify (verbally and follow up in writing) the DOE-ORO FOCI Management Team and the FOCI/CSCS Coordinator or (if applicable, the PPDR) of any status changes of a FOCI applicable Transportation Tender.</p> <p>5. IF any changes occur to the existing Transportation Tender, (extension dates, etc.), THEN
submit a CSCS form (check CHANGE) to the FOCI/CSCS Coordinator or (if applicable, the PPDR).</p> <p>6. IF the Transportation Tender expires, THEN
submit a CSCS form (check TERMINATE) and the Security Activity Closeout Certification to the FOCI/CSCS Coordinator or (if applicable, the PPDR).</p> |
| FOCI/CSCS Coordinator | <p>7. Review the CSCS form for accuracy and completeness, sign and forward to the DOE-ORO Office of Safeguards and Security.</p> |
| PPDR | <p>8. Review the CSCS form for accuracy and completeness, sign and forward to the DOE-ORO Office of Safeguards and Security.</p> |

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D. Reporting Changes in Status and Completion or Termination of FOCI Applicable Subcontracts, CRADAs, Legal Department LOROCs, and Transportation Tenders (cont.)

CRADA POC

9. Notify (verbally and follow up in writing) the DOE-ORO FOCI Management Team and the FOCI/CSCS Coordinator or (if applicable, the PPDR) of any status changes of a FOCI applicable CRADA.
10. **IF** any changes occur to the existing FOCI Applicable CRADA, **THEN**
submit a CSCS form (check CHANGE) to the FOCI/CSCS Coordinator or (if applicable, the PPDR).
11. **IF** the FOCI Applicable CRADA expires, **THEN**
submit a CSCS form (check TERMINATE) and the Security Activity Closeout Certification to the FOCI/CSCS Coordinator or (if applicable, the PPDR).

FOCI/CSCS Coordinator

12. Review the CSCS forms for accuracy and completeness and forward to the DOE-ORO Office of Safeguards and Security.

PPDR

13. Review the CSCS form for accuracy and completeness, sign and forward to the DOE-ORO Office of Safeguards and Security.

Legal Department

14. Notify (verbally and follow up in writing) the DOE-ORO FOCI Management Team and the FOCI/CSCS Coordinator or (if applicable, the PPDR) of any status changes of a FOCI applicable LOROC.
15. **IF** any changes occur to the existing FOCI Applicable LOROC, **THEN**
submit a CSCS form (check CHANGE) to the FOCI/CSCS Coordinator or (if applicable, the PPDR).
16. **IF** the FOCI Applicable LOROC expires, **THEN**
submit a CSCS form (check TERMINATE) and the Security Activity Closeout Certification to the FOCI/CSCS Coordinator or (if applicable, the PPDR).

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D. Reporting Changes in Status and Completion or Termination of FOCI Applicable Subcontracts, CRADAs, Legal Department LOROCs, and Transportation Tenders (cont.)

**FOCI/CSCS
Coordinator**

17. Review the CSCS forms for accuracy and completeness and forward to the DOE-ORO Office of Safeguards and Security.

PPDR

18. Review the CSCS form for accuracy and completeness, sign and forward to the DOE-ORO Office of Safeguards and Security.

E. Canceling Requests for FOCI Determinations

NOTE: This section regards the submittal of FOCI questionnaires and forms to DOE-ORO where prior to the FOCI determination, circumstances change and there is no longer a need for DOE-ORO to make a FOCI determination. In order to avoid unnecessary FOCI reviews, these changed circumstances are reported to DOE-ORO FOCI Management Team.

ALL Buyers/POCs

1. **WHEN** circumstances change such that pending FOCI determinations are no longer needed, **THEN** notify verbally (and follow up in writing) the DOE-ORO FOCI Management Team and the FOCI/CSCS Coordinator.

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RECORDS

The FOCI/CSCS Coordinator shall maintain the following completed documentation (Buyers and designated POCs maintains a copy), as identified with this Instruction, according to BWXT Y-12 established records management practices and the Approved Comprehensive Records Schedule:

- DOE F 5634.2, *Contract Security Classification Specification*
- UCN-20855, *Security Activity Closeout Certification*
- UCN-20856, *Nonpossessing Security Plan*
- UCN-20489, *FOCI Justification*
- UCN-20490, *FOCI Processing Review Form*
- Favorable FOCI Determination dates

Physical Security maintains the following documentation according to BWXT Y-12 established records management practices and the Approved Comprehensive Records Schedule.

- Security Plans and Project Security Plans
- Possessing Security Plans

**SOURCE
DOCUMENTS**

- DOE O 470.1, *Safeguards and Security Program*, CRD, Chapter V and VI
- DOE Acquisition Letter No. AL 99-03
- DOE-ORO Management Letter, dated 08/11/2000

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APPENDIX A
ACRONYMS AND DEFINITIONS
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ACRONYMS

CAGE CODE	- Contractor and Government Entity
CRADAs	- Cooperative Research and Development Agreements
CSCS	- Contract Security Classification Specification
DOE-ORO	- Department of Energy Oak Ridge Operations Office
FOCI	- Foreign Ownership, Control or Influence
LOROCs	- Letters of Retention of Counsel
POC	- Point-of-Contact
PPDR	- Physical Protection Department Representative
SNM	- Special Nuclear Material
SSIMS	- Safeguards and Security Information Management System
WFO	- Work For Others

DEFINITIONS

Access - The knowledge, use, or possession of classified or other sensitive information required by an individual to perform his/her official duties that is provided to the individual on a need-to-know basis. Situations that may provide an individual proximity to or control over special nuclear material; or the ability and opportunity to obtain knowledge of classified information. An individual, in fact, may have access to classified information by being in a place where such information is kept if the security measures which are in force do not prevent gaining knowledge of the classified information.

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Access Control - The process of limiting access to information, facilities, resources or designated security areas through information security, physical security, personnel security, communications security, technical security, operations security, and other programs, Program Descriptions, and means.

Authorized Officials - Officials identified in the organization's Articles of Incorporation or By-Laws as responsible for managing the business affairs of the organization, or any other employee, identified by name, of the organization, if designated in writing by such an authorized official(s) as having been delegated authority to execute FOCI representations and certification on behalf of the organization.

Authorized Person - A person who has a need-to-know for classified information in performance of official duties and who has been granted the required access authorization appropriate to access both the level and category of the classified information.

Classified Information - Certain information requiring protection against unauthorized disclosure in the interests of national defense and security or foreign relations of the U. S. following Federal statute or Executive Order. The term includes the categories of Restricted Data, Formerly Restricted Data, and National Security Information. The potential damage to the national security of each is denoted by the classification levels of Top Secret, Secret, or Confidential.

Classified Material - (1). Chemical compounds, metals, fabricated or processed items, machinery, electronic equipment, and equipment or any combination thereof that has been assigned a classification category; or, (2). Any combination of documents, electronic data, products, substances, or materials (film, etc.) that has been assigned a classification either individually or as a group.

CSCS - The CSCS is used to register information concerning the specific contract. This form has to be completed before a new contract is awarded, whenever modifications are made to an existing contract that affects the information recorded (such as the contract extension), and when the contract is completed.

Escort - (1). An authorized individual assigned the responsibility to accompany persons who lack a need to know or proper access authorization within a designated security area in order to ensure adherence to security control measures to prevent the compromise of classified material; or, (2). An authorized individual or common carrier employee assigned the responsibility to accompany personnel, matter, or material while in transit.

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Facility Approval - A determination that a facility (and/or activities conducted with a facility) is eligible to receive, produce, use, or store classified material, nuclear materials, or DOE property of significant monetary value.

Favorable FOCI Determination - A DOE determination that a basis exists for concluding that a contractor conducting classified work for DOE or its subcontractors does not pose an undue risk to the common defense and security of the United States.

SF 328 - A collection of required documents, Certificate Pertaining to Foreign Interest, which when complete, provide the DOE with substantive information on which to base a determination of foreign ownership, control, or influence, if any.

Foreign Influence - Any foreign dealings of a financial nature (such as lines of credit, contracts in foreign countries, etc.) or foreign dealings on a social basis which should allow a foreign person, entity or government to exert influence on the contractor.

Foreign Interest - (1). A foreign government or foreign government agency; (2). Any form of business enterprise organized under the laws of any country other than the U.S. or its possessions; (3). Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction with the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation or person; or (4). Any person who is not a U. S. citizen.

Individual - A consultant, technical expert, self-employed person, or other one-person operation (unless incorporated). FOCI requirements are not applicable to individuals.

Nonpossessing Security Plan - A document prepared by the subcontractor in lieu of a Security Plan when the subcontractor does not have its own security interest or approved security area, but is working in a DOE-approved security area within BWXT Y-12. The Nonpossessing Security Plan identifies the party(ies) responsible for assuring that the required Safeguards and Security Awareness Program briefings (initial, comprehensive, refresher, foreign travel, and termination) are conducted and that appropriate security control measures, practices, and Program Descriptions are in place.

Procurement - Acquisition of supplies or services initiated through the Systems Application and Products System (SAP).

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Project Security Plan - A plan prepared by the BWXT Y-12 requisitioning organization to deny access to classified material to a subcontractor working on an unclassified project in a designated security area.

Requisitioning Organization - Any BWXT Y-12 organization originating a request to be provided with goods or services from sources which are external to BWXT Y-12.

Sanitizing - The elimination and/or physical removal of both classified and unclassified controlled information from an area, a document, or an ADP system (or media associated with an ADP system) for the purpose of making the data eligible for release to the public.

Security Area - A physical space that has been designated as an area containing safeguards and security interests which dictate the need for the imposition of physical protection measures, as a minimum, entailing control of access to and from the designated area, in order to protect DOE interests. The types of security areas used within DOE include: Property Protection Areas, Limited Areas, Exclusion Areas, Protected Areas, Material Access Areas, and functionally specialized security areas such as Special Compartmented Information Facilities (SCIF), Classified Computer Facilities, and Secure Communications Centers. Safeguards and Security measures applicable to each type of security area are tailored in a graded fashion to the protection needs of the security interests contained therein. While Property Protection Areas (PPA) are included in the DOE definition of a "Security Area," subcontract work performed only in a PPA is not subject to FOCI requirements.

Security Plan - A written plan describing the personnel, physical, information, and technical security measures employed or implemented to control access to classified material. This plan is typically prepared by a subcontractor company to establish an offsite DOE security interest and a DOE approved cleared facility.

Subject: Foreign Ownership, Control or Influence and Contract Registration Instruction
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APPENDIX A
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Special Nuclear Material - Plutonium, uranium 233, or uranium enriched in the isotope 235, and any other material which, pursuant to the provisions of Section 51 of the Atomic Energy Act of 1954, as amended, has been determined to be a special nuclear material, but which does not include source material; or it also includes any material artificially enriched by any of the foregoing, not including source material. The term "significant quantity of special nuclear material" means unclassified special nuclear material, not subject to a Nuclear Regulatory Commission (NRC) license, in one facility or one shipment in the following quantities:

- (1). Uranium 235 (contained in uranium enriched 20 percent or more in the uranium 235 isotope) alone, or in combination with plutonium and/or uranium 233 when (multiplying the plutonium and/or uranium 233 content by 2-1/2) the total is 1000 grams or more.
- (2). Plutonium and/or uranium 233 when the plutonium and/or uranium 233 content is 400 grams or more.
- (3). Special nuclear material in lesser quantities but which is located in the same area or shipment with other special nuclear material with which it could be selectively combined (rolled-up) to produce the equivalent quantities in paragraph(s) (1) or (2) above.